

**Commodity Credit Corporation, USDA****§ 1416.401**

and the geographic location of the losses.

(c) If the actual level of loss is greater than the level of loss associated with the tier based on the location of the grove, the applicant may submit documentation to CCC to request the grove be placed in the next lower-numbered tier which represents a greater level of loss and a higher payment rate. Regardless of the level of loss incurred, the grove can only be placed in the next lower-numbered tier.

(d) If the actual level of loss is less than the tier associated with the location band for the grove, the producer shall certify to the lower loss level, which must be 15 percent or more, on the application and a lower payment rate will be used by CCC based upon the tier rate associated with the lower loss level.

**§ 1416.303 Application process.**

(a) Producers wishing to receive benefits must submit a completed applica-

tion and report of acreage identifying the geographic location and number of acres in the disaster-affected area to their local FSA Service Center at the time an application for payment is being filed according to § 1416.5.

(b) Applicants must certify and provide adequate proof that the losses and expenses incurred to eligible citrus crops were a direct result of the hurricane, in accordance with § 1416.2.

**§ 1416.304 Payment calculations.**

(a) Payments will be calculated by multiplying the number of net acres in each tier times the applicable payment rate, as determined by CCC, times the producer's share of the loss. The number of net acres is determined by subtracting drainage ditches, canals, and other such land uses from the citrus acres planted in the grove. The following table provides the applicable payment rates for producers with crop insurance or NAP coverage and those without coverage:

	Producers with insurance or NAP coverage	Producers without insurance or NAP coverage
Tier I .....	\$1,500	\$1,425
Tier II .....	1,000	950
Tier III .....	600	570
Tier IV .....	100	95

(b) The percentages of the payment for citrus crops that are subject to the payment limitation and AGI provisions are:

Tier I—55 percent  
Tier II—60 percent  
Tier III—64 percent  
Tier IV—0 percent

(c) The percentages of the payment for citrus crops that are not subject to the payment limitation and AGI provisions are:

Tier I—45 percent  
Tier II—40 percent  
Tier III—36 percent  
Tier IV—100 percent

**§ 1416.305 Availability of funds.**

(a) In the event that the total amount of eligible claims submitted by eligible citrus producers under this subpart and subparts E, F, and G of

this part exceeds \$95 million, each payment to an eligible citrus producer shall be reduced by a uniform national percentage, as determined by CCC.

(b) Such payment reduction shall be applied after imposition of applicable per person payment limitation as provided in § 1416.6.

**Subpart E—Fruit and Vegetable Disaster Program****§ 1416.400 Applicability.**

This subpart sets forth the terms and conditions applicable to the Fruit and Vegetable Disaster Program.

**§ 1416.401 Definitions.**

*Other than plasticulture* means conventional row-cropped fruits and vegetables, and those crops that are double cropped on a previous crop's or season's plastic.